

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:19-CV-292-BR

NEW BERN RIVERFRONT DEVELOPMENT,)	
LLC,)	
)	
Plaintiff,)	
)	
v.)	ORDER
)	
WEAVER COOKE CONSTRUCTION, LLC,)	
et al.,)	
)	
Defendants.)	

This matter is before the court on plaintiff New Bern Riverfront Development, LLC's motion to bifurcate the trial of the claims between and among it and the defendants, Weaver Cooke Construction, LLC ("Weaver Cooke"), Travelers Casualty and Surety Company of America ("Travelers"), J. Davis Architects, PLLC, Fluhrer Reed, PA, and National Erectors Rebar, Inc. f/k/a National Reinforcing Systems, Inc. ("NER"), from the trial of the third, fourth, and fifth party claims. (DE # 14.)

After plaintiff filed this motion, Weaver Cooke and Travelers filed a motion requesting that the court extend a number of deadlines based on the fact plaintiff and all defendants, except NER, had reached a settlement of the claims involving plaintiff. (DE # 16.) Before the court ruled on that motion, NER, Weaver Cooke, and Travelers filed responses to plaintiff's motion to bifurcate. NER states that the bankruptcy court long ago dismissed plaintiff's claim against it, and therefore, it should not be required to participate in the first trial, should bifurcation occur. (DE # 17, at 4.) Although Weaver Cooke and Travelers oppose bifurcation, they note that given the settlement of plaintiff's claims against

them and other defendants, the motion to bifurcate is moot. (DE # 18, at 4 n.1.) No other parties filed a response, and plaintiff did not file a reply to any response.

Based on the representation that plaintiff and the remaining defendants have settled the claims involving plaintiff, plaintiff's motion to bifurcate is DENIED as moot.

This 4 December 2019.

A handwritten signature in green ink, appearing to read "W. Earl Britt", is positioned above a horizontal line.

W. Earl Britt
Senior U.S. District Judge